

SCHEDULE

Regulation 3(2)

**Schedule 1A for insertion in the Principal Regulations**

“SCHEDULE 1A

Regulations 4A and 6(1)

**Licensing of Butcher’s Shops**

1. The following definitions shall apply for the purposes of this Schedule—

“applicant” means a person who is applying for a licence;

“appropriate district council” in relation to a butcher’s shop, or an application or licence relating to a butcher’s shop, means the district council for the area in which the shop is situated (or, in the case of moveable premises, ordinarily kept) or the district council which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations (Northern Ireland) 1992<sup>(1)</sup>;

“butcher’s shop” means the premises of a food business in or from which—

- (a) commercial operations are carried out in relation to unwrapped raw meat, and
- (b) raw meat and ready-to-eat food are both placed on the market for sale or supply, other than catering premises and exempted mixed business premises;

“catering premises” means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed mobile stall) where, in the course of a business—

- (a) food is prepared for delivery to the ultimate consumer for consumption, and
- (b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

“exempted mixed business premises” means mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat and where none of the circumstances described in paragraphs (a) to (c) of paragraph 5(6) apply;

“HACCP procedures” mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles—

- (a) analysis of the potential food hazards in a food business operation;
- (b) identification of the points in those operations where food hazards may occur;
- (c) deciding which of the points identified are critical to ensuring food safety (“critical points”);
- (d) identification and implementation of effective control and monitoring procedures (initial critical limits), at those critical points;
- (e) verification to confirm that the Hazard Analysis and Critical Control Points system is working effectively;
- (f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business' operations change; and
- (g) documentation of all procedures appropriate to the effective application of the principles listed in sub-paragraphs (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraphs 5(1)(b) or (c);

“licence” means a licence issued under this Schedule;

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(1) S.R. 1992 No. 167, to which there are amendments not relevant to these Regulations

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“meat” means fresh meat within the meaning of regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1995(2) or regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(3) and wild game meat as defined in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations (Northern Ireland) 1997(4);

“raw meat” means meat which is not ready-to-eat food;

“ready-to-eat food” means any food for consumption without further treatment or processing;

“unwrapped” means neither wrapped so as to prevent the passage of micro-organisms nor enclosed in a receptacle which prevents the passage of such organisms.

2. No person shall use premises for the purposes of a butcher’s shop except—
- (a) in accordance with a licence which is in force in respect of those premises, or
  - (b) where the exception made by paragraph 9 applies.

3.—(1) An applicant shall submit his application to the appropriate district council not less than 28 days before the date on which a licence is required.

- (2) The appropriate district council shall within 28 days of the receipt of such an application—
- (a) determine it; and
  - (b) give notice of their determination to the applicant.

(3) A notice given under sub-paragraph (2) of the refusal of an application shall specify any condition in paragraph 5 which is not satisfied and shall contain particulars of the right to appeal which is conferred by Article 37(1)(c) of the Order.

- 4.—(1) The appropriate district council shall issue a licence in respect of a butcher’s shop if—
- (a) the applicant has submitted to it an application which sets out his address and either specifies the location of his shop or, in the case of movable premises, other information which identifies the premises to which the application relates;
  - (b) it is satisfied that the conditions specified in paragraph 5 are met on the basis of the information submitted by the applicant and any other information relating to the food business which it has acquired from an inspection of the shop or otherwise.

(2) The appropriate district council shall impose a charge of £100 on any person to whom it issues a licence.

(3) Any sum which is payable by way of, or an account of, a charge imposed under sub-paragraph (2) may accompany the application to which it relates or may be recovered from an applicant as a civil debt by the district council after it has determined the application.

5.—(1) Subject to sub-paragraphs (6) and (7), the conditions referred to in paragraph 4(1)(b) are that—

- (a) the food business in the butcher’s shop complies with the requirements of these Regulations (including this Schedule) and the Food Safety (Temperature Control) Regulations (Northern Ireland) 1995(5);
- (b) all persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Chartered Institute of Environmental Health Basic Certificate or the Certificate in Essential Food Hygiene of the Royal Society of Health;

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(2) S.R. 1995 No. 396

(3) S.R. 1997 No. 493

(4) S.R. 1997 No. 496

(5) S.R. 1995 No. 377, to which there are amendments not relevant to these Regulations

- (c) all supervisors of persons handling meat in the shop have received a level of training in food hygiene to at least the standard of the Chartered Institute of Environmental Health Intermediate Food Hygiene Course or the Royal Society of Health Certificate in Food Hygiene Management; and
  - (d) HACCP procedures are in place.
- (2) Subject to sub-paragraph (7), the applicant or a proprietor or manager of the butcher's shop shall make available records of—
- (a) the HACCP procedures which apply in the shop; and
  - (b) the training which persons have undertaken to enable them to carry out operations in the shop,
- when requested to do so by the appropriate district council.
- (3) Records made available under sub-paragraph (2) shall be either—
- (a) in writing, or
  - (b) where there is a means by which it may be read, in electronic form.
- (4) Records relating to the HACCP procedures which apply in the shop shall be kept—
- (a) in the case of any document which sets out those procedures, until it is replaced by a further document which sets out those procedures;
  - (b) in the case of any document which records how those procedures have been applied, for the period of not less than 12 months which begins on the date of its creation.
- (5) Records of the training which persons have undertaken to enable them to carry out operations in the shop shall be kept until those persons cease to be retained to carry out those operations.
- (6) In mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat, the conditions in sub-paragraph (1), and the requirements relating to records in sub-paragraphs (2) to (5), shall apply only to the parts of the premises specified below—
- (a) where both unwrapped raw meat and ready-to-eat food are stored, handled or displayed in the same part of the premises, that part;
  - (b) where unwrapped raw meat is handled, stored or displayed in one part of the premises and ready-to-eat food is stored, handled or displayed in an adjoining part of the premises, each of those parts; and
  - (c) where the same food handler is working on the storage, handling or display of both unwrapped raw meat and ready-to-eat food, or the same equipment is in use in relation to such meat and food, each part in which such meat or food is stored, handled or displayed.
- (7) Where premises are not being used as a butcher's shop when the application relating to them is submitted to the appropriate district council, the applicant shall provide information to that council on the commercial operations, training and HACCP procedures which he proposes to introduce and the district council shall take that information into account when it determines the application.
6. Subject to paragraphs 7 and 10, a licence shall remain in force for the period of one year commencing on the day on which it is issued.
7. Subject to paragraph 10, where a further licence is granted to a person who has held a licence for not less than 8 months and both licences relate to the same butcher's shop, that further licence shall be issued for the period of one year which commences immediately after the expiry of the other licence held by that person.
8. Each licence shall contain the condition that the person who holds it shall give notice to the appropriate district council of any material change or intended material change which may reduce

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the safety of food sold or supplied from the butcher's shop to which the licence relates, including any material change to the layout or ownership of the premises or the operation of the food business.

9.—(1) Where a district council has refused to issue a licence in respect of an application made in the circumstances specified in sub-paragraph (2), the premises to which the application relates may continue to be used as a butcher's shop until the time specified in Article 37(2A)(6) of the Order for bringing an appeal under that Article has expired and, if an appeal under that Article is brought, until the appeal is finally disposed of or abandoned.

(2) The circumstances specified for the purposes of sub-paragraph (1) are that on the date on which the application was made the premises to which it relates are used as a butcher's shop and either—

- (a) the application is made before 1st October 2001, or
- (b) on the date on which the application is made, a licence is in force in respect of the premises to which the application relates

10.—(1) Where any of the conditions specified in paragraph 5 cease to be satisfied in respect of a butcher's shop, the appropriate district council may suspend or revoke any licence which it has issued in respect of that shop, and give notice of its decision to the proprietor of the shop

(2) A notice given under sub-paragraph (1) shall specify the conditions specified in paragraph 5 which have been breached.

(3) A decision to revoke or suspend a licence made under sub-paragraph (1) shall not take effect until the time specified in Article 37(2A) of the Order for bringing an appeal under that Article has expired and, if an appeal under that Article is lodged, until the appeal is finally disposed of or abandoned.”

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(6) Paragraph (2A) was inserted into the Order by Article 7(4) of S.I.1996/1633 (N.I. 12)